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April 27, 2011

Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Richard Gilliard v. The City of New York, et al.,
10 Civ. 5247 (BMC)

Your Honor:

I represent the plaintiff Richard Gilliard in the above case. I am writing to request an extension of time to complete fact discovery from May 9, 2011 to June 8, 2011. Gregory P. Mouton, Jr., the assistant corporation counsel who represents the defendants in the case, joins in this request. This is the parties' first request for an extension of time to complete fact discovery.

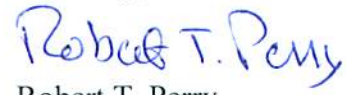
On April 21, 2011, while plaintiff was deposing defendant Eddie Martins, the court reporter suddenly became ill and the deposition had to be suspended. At present, I do not know whether the court reporter preserved any of the testimony. Mr. Mouton is unavailable to resume the deposition of defendant Martins before the May 9, 2011 deadline for completion of fact discovery. Mr. Mouton and I propose to resume the deposition on May 16, 2011.

On April 22, 2011, Andrew Smarts, a non-party witness upon whom defendants served a subpoena, failed to appear for his deposition. On April 26, 2011, Geraldo Rivera, another non-party witness to whom defendants had issued a subpoena, did not appear for his deposition. Mr. Mouton learned shortly before the deposition was to begin that the process server had been unable to serve Mr. Rivera. Mr. Mouton and I propose to take the deposition of both non-party witnesses on May 17, 2011, assuming that they are available on that date.

At the Initial Status Conference on February 7, 2011, the Court "so ordered" the parties' proposed Civil Case Management Plan requiring completion of fact discovery by May 9, 2011, joinder of additional parties by April 1, 2011, amended pleadings by April 1, 2011, and the filing of dispositive motions by June 10, 2011. Because the parties request an extension of the deadline for completion of fact discovery from May 9, 2011 to June 8, 2011, the parties propose an extension of the deadline for filing of dispositive motions from June 10, 2011 to July 11, 2011.

Mr. Mouton and I thank the Court for consideration of this request.

Sincerely,



Robert T. Perry

cc.: Gregory P. Mouton, Jr., Esq.
Assistant Corporation Counsel